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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,973	08/14/2001	Sean Brown	1509-212	7758

22879 7590 05/19/2005

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FORT COLLINS, CO 80527-2400

EXAMINER

HEWITT II, CALVIN L

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/928,973

Applicant(s)

BROWN ET AL.

Examiner

Calvin L Hewitt II

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,6,8-11,15,17-21,25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1, 3, 6, 8-11, 15, 17-21, 25 and 26 is/are allowed.
- 6) ☒ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

HL

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Status of Claims

1. Claims 1, 3, 6, 8-11, 15, 17-21, 25 and 26 have been examined.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 9-11, 15-17, 20, 21, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schreiber et al., U.S. Patent No. 6,298,446 in view of Holmes et al., U.S. Patent No. 6,119,108.

As per claims 1, 3, 9-11, 17, 20, 21, 25, and 26, Schreiber et al. teach a method for accessing content comprising: serving a webpage from a server, displaying said webpage without a content item to a client (column 9, lines 20-46; column 10, lines 3-23; column 11, lines 40-47) wherein said page includes an interface component that enables a user to select said content item for access (column 33, lines 15-30). Specifically, Schreiber et al. teach purchasing (e.g. generating a billing event at the time of at least the first serving of content) said content item (column 33, lines 15-30), hence, to one of ordinary skill, the

teachings of Schreiber et al. teaches, either inherently or clearly suggests, presenting the protected item to the client within the page (column/line 15/47-16/53; column 21, lines 1-50; column/line 24/47-25/33). Regarding WAP decks, it would have been obvious to one of ordinary skill to apply the teachings of Schreiber et al. to portable internet devices such as a PDA or wireless phone. Schreiber et al. also teach purchasing (e.g. billing event) said content item (column 33, lines 15-30). Specifically, a purchase is initiated by a user's "mouse" actions, which triggers "e-commerce transaction software" (column 33, lines 15-30). Hence, a server (e.g. stateless machine) (figures 3 and 5) receives a stored selection indicator that indicates the specific content item desired by the user. However, Schreiber et al. do not specifically recite redisplaying the page with the content incorporated therein. Holmes et al. teach a method and system for displaying content on a page to a user wherein said user cannot access certain encrypted portions of said content, said user providing payment in order to access encrypted content, the content provider decrypting said encrypted portions and re-displaying the fully accessible content to the user (figure 2; column/line 4/58-5/24; column 6, lines 44-51). Holmes et al. also disclose "licensing terms" (column 5, lines 20-28). The Examiner takes Official Notice that including a description and price of the object to be licensed is old and well known. Therefore, it would have been obvious to one of ordinary skill to combine the teachings of Schreiber et al. and Holmes et al. in order to prevent

unauthorized re-distribution of the content by the user ('108, column 5, lines 45-52).

4. Claims 6, 8, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schreiber et al., U.S. Patent No. 6,298,446 and Holmes et al., U.S. Patent No. 6,119,108 as applied to claims 1 and 15 above, and further in view of Oki et al., U.S. Patent No. 6,115,471.

As per claims 6, 8, 18, and 19, Schreiber et al. teach providing a place holder for a content item (figure 5) and allowing a user to purchase said item (column 33, lines 15-30), while Holmes et al. teach redisplaying fully accessible content to a user after said user agrees to licensing terms (figure 2; column/line 4/58-5/28). However, neither Schreiber et al. nor Holmes et al. teach only generating a billing event the first time an item is served. Oki et al. teach a method and system for providing users with content over a network. Specifically, Oki et al. teach a recovery service that only generates a billing event the first time the content is downloaded (column 8, lines 5-29). Specifically, Oki et al. use a database to determine whether a user is able to recover content (column 8, lines 5-29). Therefore, it would have been obvious to combine the teachings of Schreiber et al., Holmes et al. and Oki et al. in order to allow a user to retrieve lost or corrupted content free of charge ('471, column 8, lines 5-29).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Calvin Loyd Hewitt II whose telephone number is (571) 272-6709. The Examiner can normally be reached on Monday-Friday from 8:30 AM-5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, James P. Trammell, can be reached at (571) 272-6712.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
c/o Technology Center 2100
Washington, D.C. 20231

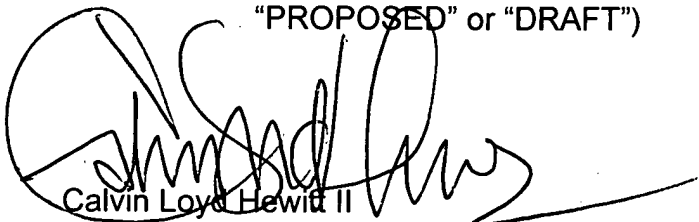
or faxed to:

(703) 305-7687 (for formal communications intended for entry and after-final communications),

or:

(571) 273-6709 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")



Calvin Loyd Hewitt II

May 15, 2005